

Prob 12
(Rev. 3/88)

FILED

FEB 11 2008

**UNITED STATES DISTRICT COURT
For The
WESTERN DISTRICT OF PENNSYLVANIA**

CLERK OF DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

U.S.A. vs. JEREMIAH D. TOLIVER

Docket No. 01-00008-001 Erie

Petition on Supervised Release

COMES NOW Theodore W. Johnson, CHIEF PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Jeremiah D. Toliver, who was placed on supervision by the Honorable Maurice B. Cohill, Jr., sitting in the Court at Erie, Pennsylvania, on the 5th day of December 2001, who fixed the period of supervision at three years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

- The defendant shall not commit another federal, state, or local crime.
- The defendant shall not illegally possess a controlled substance.
- The defendant shall not possess a firearm or destructive device.
- The defendant shall participate in a program of testing and, if necessary, treatment for substance abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. The defendant shall submit to one drug urinalysis within 15 days after being placed on supervision and at least two periodic tests thereafter.
- The defendant shall pay to the United States a special assessment of \$100.

12-05-01: Felon in Possession of a Firearm; Sentenced to 41 months' custody of the Bureau of Prisons to be served consecutive to previously imposed sentence by the Erie County Court of Common Pleas, to be followed by 3 years' supervised release.

03-14-05: Released to supervision with the U.S. Probation Office at Pittsburgh, Pennsylvania.

01-25-06: Supervision transferred from U.S. Probation Officer Michael DiBiasi (Pittsburgh) to U.S. Probation Officer David Conde (Erie).

01-08-07: Judgment modified by United States District Judge Sean J. McLaughlin to include participation in the United States Probation Office and Bureau of Prisons' Comprehensive Sanctions Center Program until released by the program review team, for a period not to exceed 180 days.

11-21-07: Judgment modified by Senior United States District Judge Maurice B. Cohill, Jr., issuing a bench warrant for the arrest of the releasee for alleged violations of supervision and that bond be set at \$5,000.

01-01-08: Bench warrant served and warrant lodged as a detainer.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

Your Petitioner reports that the probationer has violated the following conditions of his probation:

The defendant shall not commit another federal, state, or local crime.

On March 20, 2007, the Probation Office discovered that Mr. Toliver had been charged on October 1, 2006, with Disorderly Conduct. According to the citation, Mr. Toliver had been operating a vehicle in which the sound from the vehicle radio could be heard from 50 feet away. Upon his release from Renewal, Incorporated, Mr. Toliver was advised by the Probation Office of the outstanding charge. On July 9, 2007, he pled guilty to the charge and was ordered to pay \$140.20 in fine and costs. On October 11, 2007, an arrest warrant was issued by District Justice Suzanne Mack after Mr. Toliver failed to make the necessary fine and costs payments. On January 4, 2008, Mr. Toliver was sentenced to time served for Disorderly Conduct.

U.S.A. vs. JEREMIAH D. TOLIVER
 Docket No. 01-00008-001 Erie
 Page 2

On January 1, 2008, Mr. Toliver was arrested and charged by the Erie Police Department with Aggravated Assault; Recklessly Endangering Another Person; Persons Not to Possess, Use, Manufacture, Control, Sell, or Transfer Firearms; and Firearms Discharged Prohibited. Mr. Toliver was accused of discharging several gun shots in the direction of the victim in the area of West 18th and Myrtle Streets. A preliminary hearing took place on January 31, 2008, before District Justice Thomas Carney and all charges, except for Persons Not to Possess, Use, Manufacture, Control, Sell, or Transfer Firearms were held over to the Erie County Court of Common Pleas.

The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.

The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.

On July 9, 2007, Mr. Toliver was instructed to report to the Probation Office every Monday in order to assess his job search efforts. Mr. Toliver failed to report to the Probation Office on July 16, 23, and 30, 2007; and August 6 and 13, 2007. Mr. Toliver reported on August 20, 2007, and was instructed to report on September 9, 2007. He failed to report to the Probation Office on this date. Since then, two reporting notices were sent to the last known address of Mr. Toliver. These notices were never returned to the Probation Office. Mr. Toliver failed to report to the Probation Office on October 1, 2007; and November 12, 2007. On October 30, 2007, the probation officer interviewed Mr. Toliver's mother, Anita Grey. She indicated that she was unaware of where Mr. Toliver was residing, but she did have occasional contact with him. It was agreed that Mrs. Grey would notify Mr. Toliver of the need to report to the Probation Office immediately. Also, it was agreed that a reporting notice would be sent to her residence in order for her to advise Mr. Toliver of the appointment date and time. On November 14, 2007, Mrs. Grey advised that she had received the reporting notice, and she told Mr. Toliver that he needed to contact the Probation Office and report on November 12, 2007.

Mr. Toliver has also failed to submit a written report by the fifth day of each month for the months of July 2007, August 2007, September 2007, and October 2007.

PRAYING THAT THE COURT WILL ORDER that a summons to be held in abeyance shall be issued until such time as the pending criminal charges have been disposed of.

ORDER OF COURT

Considered and ordered this 14th day of Feb., 2008 and ordered filed and made a part of the records in the above case.

Marcia B. Cobille, Jr.
 Senior U.S. District Judge

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 7, 2008

David J. Conde
 David J. Conde
 U.S. Probation Officer

Stephen A. Lowers
 Stephen A. Lowers
 Supervising U.S. Probation Officer

Place: Erie, PA